

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of

Emergency Broadband Benefit Program

WC Docket No. 20-445

**ALTICE PETITION FOR LIMITED WAIVER**

Pursuant to Section 1.3 of the Commission’s rules, 47 C.F.R. § 1.3, CSC Holdings, LLC (Altice) hereby requests expedited grant of a limited waiver of the Emergency Broadband Benefit (EBB) Program reimbursement rules. Specifically, Altice requests that the Commission (1) waive, for the first snapshot date that a subscriber is enrolled in EBB, the requirement that the provider claim reimbursement within 15 days of the snapshot;<sup>1</sup> and (2) allow Altice an additional month to submit the first reimbursement claim for a newly-enrolled subscriber, *i.e.*, until the 15<sup>th</sup> day of the next month following the first snapshot date. As explained below, the requested waiver serves the public interest by facilitating the ability of providers to offer the discount on a broader range of services, and it will not undermine USAC’s ability to track disbursements.

Under the EBB Program Order, reimbursements are based on a “snapshot report of a provider’s enrolled subscribers as of the first of the month.”<sup>2</sup> Providers then have until the 15th of each month, or the following business day in the event the 15th falls on a weekend or holiday, to submit to USAC their reimbursement claims for the households captured on the snapshot report.<sup>3</sup>

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<sup>1</sup> 47 CFR § 54.1608(g).

<sup>2</sup> *Emergency Broadband Benefit Program*, Report and Order, WC Docket No. 20-445, FCC 2129, ¶ 98 (2021) (*EBB Program Order*).

<sup>3</sup> *Id.*

Reimbursement claims submitted after that date will not be processed, and providers are prohibited from revising previously submitted claims.<sup>4</sup> Providers are required to certify to the accuracy of reimbursement claims.<sup>5</sup>

While the *EBB Program Order* describes the EBB reimbursement process as “largely track[ing] the process in the Lifeline program,”<sup>6</sup> the EBB reimbursement process will in fact be substantially more challenging for providers to navigate than the Lifeline reimbursement process—all the more so for entities such as Altice without prior experience with Lifeline. Lifeline providers can claim the same \$9.25 per month reimbursement amount for every broadband subscriber in the snapshot,<sup>7</sup> but EBB providers may have to determine the reimbursement amount separately for each subscriber. The reimbursement amount will be the same for all subscribers only if the provider elects to offer the EBB discount only on one service or only on services for which the standard rates all exceed the maximum EBB discount of \$50.

Not only will it be more complicated for EBB providers to determine the reimbursement amount, but EBB providers will have much less time to determine the amount and submit the claim. Whereas Lifeline providers have a year from the snapshot date to submit a claim or make upward revisions to a previously-submitted claim,<sup>8</sup> the EBB rules give providers only 15 days from the snapshot date to submit the claim and also prohibit providers from modifying previously submitted claims. According to the *EBB Program Order*, the Commission adopted the 15-day claim deadline so that USAC could “track disbursements and ... provide a projection for the

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<sup>4</sup> *Id.*, ¶¶ 99-100.

<sup>5</sup> *Id.*, ¶ 100.

<sup>6</sup> *Id.*, ¶ 98.

<sup>7</sup> 47 CFR § 54.403(a)(1).

<sup>8</sup> See [usac.org/lifeline/reimbursement/](https://usac.org/lifeline/reimbursement/)

depletion of the Fund that is based on the most accurate and up-to-date household and disbursement information.”<sup>9</sup>

Altice requests a waiver of the 15-day deadline for at least the first claim for a newly-enrolled EBB subscriber. Specifically, Altice requests that the Commission allow Altice an additional month, until the 15<sup>th</sup> day of the next month after the snapshot on which a subscriber first appears, to submit the first claim for the subscriber. For example, Altice requests that the Commission permit Altice to submit the first claim by July 15<sup>th</sup>, rather than by June 15<sup>th</sup>, for a subscriber that enrolls in the EBB Program on May 20<sup>th</sup>.

This request is consistent with the Commission’s well-established waiver standard, pursuant to which the Commission will waive its rules when (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest.<sup>10</sup> Because Altice has elected to offer the EBB discount on multiple services, it will have to separately determine the EBB reimbursement amount for each subscriber on its snapshot list. The reimbursement amounts will not only vary from service to service, but may also vary among subscribers to the same service. For example, the possible per-subscriber EBB reimbursement amounts for Altice’s 100 Mbps service – just one of the services on which Altice plans to offer the EBB discount – include \$29.95 per month, and \$39.95 per month (if the subscriber is also renting equipment from Altice).<sup>11</sup>

Since the release of the EBB Program Order, Altice has been working diligently to update its systems and procedures to account for the complexities of the EBB program. At this juncture, however, it may be difficult within a 15-day window to confirm that our systems applied the correct reimbursement amount for a newly-enrolled subscriber. Further, USAC has yet to publish the exact

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<sup>9</sup> *EBB Program Order*, ¶ 100.

<sup>10</sup> 47 C.F.R. § 1.3; *Northeast Cellular Telephone Co., L.P. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>11</sup> CSC recently filed a supplement to its approved USAC election notice to include its 100 Mbps plan.

fields of subscriber information that will be required in the file that will be used to submit claims for EBB funding, and only recently opened up testing of its systems to EBB participants. Unlike providers that have previously participated in the Lifeline program, Altice does not yet have live data to stress test its systems and procedures and the lack of knowing precisely which fields of information will be requested by USAC further complicate matters. Providing additional time to Altice to review the subscriber data underlying its claim submissions for newly enrolled subscribers—especially for the claim submission for the first data month—will give Altice additional time to prepare its systems to handle the volume of new enrollments as well as scrub its data to ensure that only eligible subscribers are claimed, thereby enhancing program compliance integrity.

The waiver will not materially affect USAC’s ability to track disbursements and project the depletion of the fund, even if the Commission extends the requested waiver to other EBB providers.<sup>12</sup> First, Altice is seeking a waiver of the 15-day deadline only for subscribers’ first snapshot, and is seeking only a one-month extension of the deadline. Second, USAC will still have a count of the number of EBB subscribers enrolled in NLAD, even if some providers have not yet submitted claims for newly-enrolled subscribers. Finally, it is likely that many providers will not take advantage of the waiver because they will want to obtain reimbursement as soon as possible.<sup>13</sup>

The waiver is in the public interest because the added flexibility will encourage Altice to offer the EBB discount on a broader range of services. Without the waiver, Altice may need to simplify its reimbursement calculations by offering the EBB discount only services for which the

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<sup>12</sup> To date, only one such waiver has been granted, and Altice’s petition is consistent with the rationale articulated by the Wireline Competition Bureau in the order granting that waiver. *In Re Emergency Broadband Benefit Program*, Order, DA 21-455 (WCB rel. Apr. 20, 2021).

<sup>13</sup> *EBB Program Order*, ¶ 98 (“For those providers seeking to have their reimbursement claim processed quicker, they must review and certify their reimbursement claims sooner, as established by USAC.”).

standard rates all exceed \$50 per month. The waiver would thus be consistent with the *EBB Program Order*'s goal of encouraging providers to offer the EBB discount on more services.<sup>14</sup>

For the foregoing reasons, Altice requests expedited grant of the waiver relief requested herein.

Respectfully submitted,

/s/ Paul Jamieson

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<sup>14</sup> *Id.*, ¶¶ 37, 71 (“Approved providers must offer at least one EBB Program-reimbursed service to each of its eligible households within its service area. However, we also encourage participating providers to make EBB Program support available for all its service offerings for eligible households.”).